

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN THE MATTER OF:

CASE NUMBER: 13-30975-HCM

**THOMAS JOHN CROWELL
VICTORIA AUSTIN CROWELL**

CHAPTER 7 LIQUIDATION

Debtor

MOTION FOR ORDER DISMISSING CASE
FOR FAILURE TO APPEAR AT §341 MEETING

**THIS PLEADING REQUESTS RELIEF WHICH MAY BE ADVERSE TO YOUR
INTEREST.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21)
DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED
HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.
A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE
HELD.**

**TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY
JUDGE:**

NOW INTO COURT, comes J. Marshall Miller, Chapter 7 Trustee in the above captioned matter, who moves the Court for an order dismissing the above captioned case for the following reasons, to-wit:

1.

The petition for relief in this proceeding was filed on June 14, 2013 under Chapter 7 of the United States Bankruptcy Code and mover was duly appointed as the bankruptcy trustee of this matter.

2.

The §341 meeting of creditors was scheduled for July 22, 2013, but Debtor failed to appear. The meeting was reset to August 30, 2013 at which time the debtors again failed to

appear. At subsequent resets of August 9, 2013 and August 30, 2013, debtors again failed to appear, and, at the August 30th meeting date, their attorney announced that they would not appear because they no longer desired to be in bankruptcy.

3.

Pursuant to 11 U.S.C. § 343, the Debtor shall appear and submit to examination under oath at the meeting of creditors. The Debtor attendance at the meeting of creditors is mandatory. *In re Martin*, 12 B.R. 319 (SD Al. 1981).

4.

Debtor failure to appear at the meeting of creditors constitutes cause for dismissal of the above captioned case under 11 U.S.C. §707(a).

WHEREFORE, J. Marshall Miller, Trustee, prays that after notice and hearing, if necessary, this Honorable Court dismiss this case.

Respectfully submitted,

/s/ J. Marshall Miller

J. Marshall Miller
1519 Montana Ave
El Paso, TX 79902
(915) 842-8201
marshall_miller@att.net
Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to: **Debtors**, **Attorney for Debtors** and the **United States Trustee**, and to all creditors and parties in interest pursuant to the attached Matrix on the 9th day of September, 2013.

/s/ J/ Marshall Miller
J. Marshall Miller

Label Matrix for local noticing

0542-3

Case 13-30975-hcm

Western District of Texas

El Paso

Mon Sep 9 11:54:16 CDT 2013

Bank Of America, N.a.

450 American St

Simi Valley, CA 93065-6285

U.S. BANKRUPTCY COURT
511 E. San Antonio Ave., Rm. 444
EL PASO, TX 79901-2415

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Bass & Associates
3936 E Fort Lowell Road
Tucson, AZ 85712-1083

(p)BETA FINANCE CO INC
8450 BROADWAY
MERRILLVILLE IN 46410-6221

Chase

P.o. Box 15298

Wilmington, DE 19850-5298

Chela/Sallie Mae
Attn: Claims Department
PO Box 9500
Wilkes-Barre, PA 18773-9500

(p)CITIBANK
PO BOX 790034
ST LOUIS MO 63179-0034

City of El Paso

El Paso Tax Assessor/Collector

PO Box 2992

El Paso, TX 79999-2992

(p)DIRECTV LLC
ATTN BANKRUPTCIES
PO BOX 6550
GREENWOOD VILLAGE CO 80155-6550

El Paso Tax Assessor Collector
c/o Linebarger, Goggan Blair et al
711 Navarro, Ste. 200
San Antonio, TX 78205-1711

Enhanced Recovery Corp

Attention: Client Services

8014 Bayberry Rd

Jacksonville, FL 32256-7412

Firstlight Federal Cu
Attn: Collections
PO Box 25901
El Paso, TX 79914

GC Services Limited Partnership
Dept. HOVS 023
PO Box 3044
Livonia, MI 48151-3044

Gemb/care Credit

Attn: bankruptcy

PO Box 103104

Roswell, GA 30076-9104

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

(p)SPRINT NEXTEL CORRESPONDENCE
ATTN BANKRUPTCY DEPT
PO BOX 7949
OVERLAND PARK KS 66207-0949

U.S. Attorney

FHZ/HUD/VA/IRS

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Westlake, OH 44145-1194

United States Trustee - EP12
U.S. Trustee's Office
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San Antonio, TX 78295-1539

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